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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/490,370	01/24/2000	Thomas Norton Koerble		7072
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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 06/18/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,370

Applicant(s)

Koerble et al.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 24, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 24, 2003 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2003 has been entered.
2. The amendment filed March 24, 2003 has been entered.

Drawings

3. The proposed substitute sheets of drawings, filed on March 24, 2003 have been **approved.**

Specification

4. The substitute specification filed on March 24, 2003 has been entered.

Claim Objections

5. Claim 13 is objected to because it depends from itself. Appropriate correction is required. For examination purposes, claim 13 has been considered as depending from claim 10.

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Claim Rejections - 35 USC § 112

6. Claims 10-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

First, the original disclosure does not provide support for a (first) track extending in a horizontal plate transverse to the guide bar as now set forth in claims 10 and 18. Rather, support is provided for a pair of slots extending above a horizontal plate transverse to a guide bar.

Second, the original disclosure does not provide support for a (second) track connected in fixed relation to the workpiece mounting structure and slidably engaging a first track as now set forth in claims 10 and 18, or for a second pair of laterally spaced tracks connected in fixed relation to the mounting plate and engaging a first pair of tracks as now set forth in claim 24. Rather, support is provided for a slide member that is connected in fixed relation to the workpiece mounting structure and slidably engaging a first pair of slots.

It is noted that while the slots 42 could be considered as forming a track or a pair of tracks in which the slide member 36 slidably moves, it is unclear as to what structure the recitations “second track” or “second pair of laterally spaced tracks” refer.

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Claim Rejections - 35 USC § 112

7. Claims 10-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, line 7, “a first track extending in said plate” is vague and indefinite as to what disclosed structure it refers, and further appears to be inaccurate, and it seems that it should read --a track extending above said plate-- or the like; in line 8, “an upright brace” is vague and indefinite as to what disclosed structure it refers; in lines 8-9, “formed with a threaded hole” is vague and indefinite and appears to be inaccurate, and it is suggested to change “formed” to --provided-- or the like; in line 13, “a second track” is vague and indefinite as to what disclosed structure it refers, particularly since there is no “track” which is connected in fixed relation to the workpiece mounting structure, and it seems that it should be changed to a slide member--.

In claim 13, line 2, the recitation “through said plate” is vague and indefinite as to what is being set forth and appears to be inaccurate, and it seems that “through” should be changed to --over-- or the like.

Claim 14 is vague and indefinite, particularly because it is redundant with respect to claim 10 from which it depends and thus it is not clear how the claimed invention is being further defined.

In claim 16, lines 1-2, the recitation “means engaging said workpiece mounting structure for securing” is vague and indefinite as to what is being set forth, particularly as to what

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functional recitation corresponds to “means”, and it is suggested to delete “engaging said workpiece mounting structure” and to insert --engaging said workpiece mounting structure and-- in line 3 before “being” or the like.

In claim 17, line 2, “through” is awkward and unclear, and it is suggested to insert ----said workpiece mounting structure-- after “through” or the like.

In claim 18, line 7, “a first track extending in said plate” is vague and indefinite as to what disclosed structure it refers, and further appears to be inaccurate, and it seems that it should read --a track extending above said plate-- or the like; in line 11, “a second track” is vague and indefinite as to what disclosed structure it refers, particularly since there is no “track” which is connected in fixed relation to the workpiece mounting structure, and it seems that it should be changed to a slide member--; in lines 18-19, the recitation “means connected to said workpiece mounting structure for securing” is vague and indefinite as to what is being set forth, particularly as to what functional recitation corresponds to “means”, and it is suggested to delete “connected to said workpiece mounting structure” and to insert --connected to said workpiece mounting structure and-- in line 19 before “being” or the like.

In claim 19, line 2, “through” is awkward and unclear, and it is suggested to insert ----said workpiece mounting structure-- after “through” or the like.

In claim 21, line 2, the recitation “through said plate” is vague and indefinite as to what is being set forth and appears to be inaccurate, and it seems that “through” should be changed to --over-- or the like.

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In claim 23, line 2, "said threaded hole" lacks antecedent basis.

In claim 24, line 4, "base plate" is vague and indefinite as to what disclosed structure it refers, particularly in view of the recitation of "horizontal plate" in line 5; in line 8, "a first pair of laterally spaced tracks" is vague and indefinite as to what disclosed structure it refers, and further appears to be inaccurate; in line 10, "an upright brace" is vague and indefinite as to what disclosed structure it refers; in line 13, "formed with a threaded hole" is vague and indefinite and appears to be inaccurate, and it is suggested to change "formed" to --provided-- or the like; in line 17, "a second pair of laterally spaced tracks" is vague and indefinite as to what disclosed structure it refers, particularly since there are no "tracks" which are connected in fixed relation to the mounting plate; in line 24, "the base" lacks positive antecedent basis.

In claim 25, line 2, "through" is awkward and unclear, and it is suggested to insert ----said workpiece mounting structure-- after "through" or the like; in lines 3-4, the recitation "means extending through said through holes for securing" is vague and indefinite as to what is being set forth, particularly as to what functional recitation corresponds to "means", and further is vague because "said through holes" lacks positive antecedent basis, and it is suggested to insert a comma after "means" and to change "through holes" to --holes, -- or the like.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 10-29, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tautz, pn 2,085,236.

Tautz discloses a workpiece carrier with almost every structural limitation of the claimed invention as best understood from the claims but lacks the specific drive screw adjustment configuration including an upright brace connected in fixed relation to the horizontal plate. However, the Examiner takes Official notice that such drive screw adjustment configurations are old and well known in the art and provide various well known benefits including providing for a positive adjustment in either direction of a guide, a workpiece holder, or other adjustable structure. Therefore, it would have been obvious to one having ordinary skill in the art to

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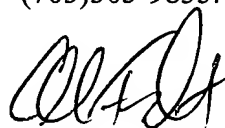
provide such a drive screw adjustment configuration including an upright brace for the workpiece holder and drive screw of Tautz for the well known benefits including that described above.

Regarding claims 12, 13, 20, 21 and 29, Tautz lacks the specific guide track configuration including two spaced slots and a pair of rails. However, the Examiner takes Official notice that such guide structure is old and well known in the art and provides various benefits including increased stability during guiding of an element. Therefore, it would have been obvious to one having ordinary skill in the art to provide the specific guide track configuration on the device of Tautz for the well known benefits including those described above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
June 16, 2003